THE PLANNING ACT

POLICY STATEMENT

Mineral Aggregate Resources

A statement of Ontario Government policy issued under the authority of Section 3 of the Planning Act 1983

Approved by the
Lieutenant Governor in Council
Order in Council No. 1249-86
May 9, 1986

Minister of
Natural
Resources

Minister of
Municipal Affairs

The Planning Act, 1983, Section 3

Policy statements

3.—(1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.

Minister to confer

(2) Before issuing a policy statement, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed statement.

Notice

(3) Where a policy statement is issued under subsection (1), the Minister shall cause it to be published in *The Ontario Gazette* and he shall give or cause to be given such further notice thereof, in such manner as he considers appropriate, to all members of the Assembly, to all municipalities and to such other agencies, organizations or persons as he considers have an interest in the statement.

Idem

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement.

Regard to be had to policy statements

(5) In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1). 1983, c. 1, s. 3.

Purpose

This document is prepared under the authority of Section 3 of the Planning Act and is the Province of Ontario's policy statement on planning for mineral aggregate resources.

Interpretation

This provincial policy statement:

- is issued jointly by the Minister of Municipal Affairs and the Minister of Natural Resources under the Planning Act.
- does not supersede or take priority over other policy statements issued under this Act, or any other policy approved by the Lieutenant Governor in Council for any specific area of the province.
- replaces the "Mineral Aggregate Resource Planning Policy" approved by Cabinet, December 22, 1982.

Background

Mineral aggregates are vital to Ontario's economy. In 1980, for example, approximately 120 million tonnes or more than fourteen tonnes of mineral aggregate per capita were used in Ontario.

Although potential reserves exist in many parts of the Province, a reduction in the availability of mineral aggregates is occurring as a result of:

- depletion of near market supplies;
- effective elimination of some valuable mineral aggregate sources by other development, for example housing, occurring over or adjacent to the deposits; and
- restrictive controls which make the establishment and operation of pits and quarries difficult.

A scarcity of mineral aggregates is occurring within certain parts of Ontario. This results in increased mineral aggregate costs whether through hauling the material from distant sources; through using more expensive substitute materials; or through using more expensive processing techniques to upgrade lower quality materials. Such increased costs are ultimately transferred to the consumer. Therefore it is important that sufficient mineral aggregate resources are available to meet the future needs of Ontario residents.

This policy statement establishes mineral aggregate resources as a matter of provincial interest and concern. It includes specific policies to ensure that regard is paid to the importance of mineral aggregates and that the overall provincial interest is taken into account in any related planning action.

Definitions

For the purpose of this policy statement,

- **Mineral Aggregates** means:

  sand, gravel, shale, limestone, dolostone, sandstone and other mineral materials suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metalliferous minerals, fossil fuels, or non-aggregate industrial minerals such as asbestos, gypsum, nepheline syenite, peat, salt and talc or mine tailings.

- **Legally Existing Pits and Quarries** means:

  a) lands under licence or permit, other than wayside pits and quarries, issued in accordance with the Pits and Quarries Control Act, or the Mining Act, or successors thereto; and

  b) for lands not under licence or permit, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation.

- **Wayside Pit or Wayside Quarry** means:

  a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Principles

The following mineral aggregate resource planning principles are recognized as the basis for the policies contained in this document.

- Mineral aggregates are essential non-renewable natural resources. They should be recognized as important components in any comprehensive land use or resource management program.

- Mineral aggregates should be available to the consumers of Ontario at a reasonable cost.

- All parts of Ontario possessing mineral aggregate resources share a responsibility for meeting future provincial demand. Mineral aggregate resources vary in quality and significance. Demand for them varies depending on location and circumstances.

- Notwithstanding the need for mineral aggregates, it is essential to ensure that extraction is carried out with minimal social and environmental cost. The protection of the natural environment is of particular importance, as is the wise management of the province's physical resources. In this regard there is a recognized need to develop policy and regulatory provisions that:

a) establish good operating standards;
b) ensure rehabilitation; and
c) establish evaluation and approval procedures for creating new operations and expanding existing operations.

- The supply of mineral aggregates as an essential construction material, is important to the overall development of any area. It is necessary to maintain sources of supply as close to markets as possible until such time as long distance transportation may become feasible.

- Other land uses may in specific instances, take precedence over aggregate extraction, including wayside pits and quarries.

- Wayside pits and quarries are needed on a temporary basis and often at short notice to supply mineral aggregates for certain projects of public authorities such as roads, at minimum cost to the taxpayer. Consultation with municipalities will be followed to ensure minimal adverse impacts on the social and natural environment and to ensure effective rehabilitation. The Ministry of Natural Resources shall have regard for policies approved by the Lieutenant Governor in Council for any specific area of the province before issuing a wayside pit or quarry permit.

- Municipalities have an important role in planning for mineral aggregate resources and aggregate operations and should encourage the concept of extraction as an interim land use activity.

Policy

1. GENERAL

It is the policy of the Province of Ontario that:

1.1 All land use planning and resource management agencies within the province have regard for the implications of their actions on the availability of mineral aggregate resources to meet future local, regional and provincial needs.

1.2 Any planning jurisdiction, including municipalities and planning boards, identify and protect as much of its mineral aggregate resources as is practicable, in the context of other land use planning objectives, to supply local, regional and provincial needs.

2. OFFICIAL PLANS

It is the policy of the Province of Ontario that official plans:

2.1 Identify and protect legally existing pits and quarries from incompatible land uses.

2.2 Identify and protect from land uses, which are incompatible with possible future extraction, as much of the mineral aggregate resources occurring in the municipality as is realistically possible in the context of the municipality's other land use planning objectives, and in recognition of the continuing local, regional and provincial need for mineral aggregates.

2.3 May establish policies to permit non-aggregate land uses or developments in areas of mineral aggregate resources, which are protected in the official plan, where it can be shown that:

a) extraction would not be feasible; or

b) the proposed land use or development serves a greater long term interest of the general public than does aggregate extraction; or

c) the proposed land use or development would not significantly preclude or hinder future extraction.

2.4 Provide a clear and reasonable mechanism to permit the establishment or expansion of pits and quarries, including policies that:

a) outline any amendments that may be required to the official plan and/or zoning by-law; and

b) specify the information required and the matters to be considered by a municipality to evaluate an amendment application, including information on the protection of existing land uses and the natural environment.

2.5 Permit wayside pits and quarries without requiring an amendment to the plan or zoning by-law, except the plan may require a rezoning for a wayside pit or quarry in areas of existing development or particular environmental sensitivity which are designated in the plan.

2.6 May require rehabilitation to an after-use compatible with the long term uses permitted by the plan.*

3. **ZONING BY-LAWS**

It is the policy of the Province of Ontario that zoning by-laws:

3.1 Regulate all legally existing pits and quarries in such a way that these operations are a permitted activity with no uses or other activities permitted within the zoning category, that would be incompatible with mineral aggregate operations.

3.2 In those municipalities not subject to an official plan, protect mineral aggregate deposits identified by the Ministry of Natural Resources in conjunction with the municipality, by placing these lands in a zoning category which prohibits uses that are incompatible with possible future extraction.

3.3 Permit wayside pits and quarries in all zoning categories, except in zones which are established to recognize existing development or areas of particular environmental sensitivity, where wayside pits and quarries may be prohibited.

Implementation

- In exercising any authority that affects any planning matter, the council of every municipality, every local board, every Minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and

* In parts of Ontario designated under the Pits and Quarries Control Act, rehabilitation is mandatory.

Ontario Hydro, shall have regard to policy statements as required under Section 3 of the Planning Act.

- The Ministry of Natural Resources, within the context of its mandate to manage mineral aggregate resources at the provincial level, will:

  a) provide all pertinent geological information, including mineral aggregate resource mapping and technical assistance, to any government body or planning authority, in particular municipalities, and assist municipalities to define and protect mineral aggregate resource areas.

  b) provide comments to planning review and approval agencies on proposed planning actions that may have implications for mineral aggregate resource development.

  c) prepare guidelines for the Ministry, municipalities and other agencies responsible for mineral aggregate resource planning and management, to assist in implementing this policy statement.

  d) undertake research programs to investigate a wide array of mineral aggregate resource management topics, including the investigation of alternative sources of supply.

  e) make representation or provide technical expertise to the Ontario Municipal Board or other appeal body, where a planning matter related to this policy statement may be an issue.

  f) administer and enforce the provisions of the Pits and Quarries Control Act and the Mining Act, or successors thereto.

  g) encourage the concept of extraction as an interim land use activity. Toward this end the Ministry shall:

     - encourage operators of extraction sites to make the most effective use of the land resource;

     - encourage sequential land use and progressive and ultimate rehabilitation with the active extraction area limited to a minimum practical size;

     - encourage operation of the site in a manner as compatible as possible with surrounding land uses and activities; and

     - encourage all depleted extractive sites, including wayside pits and quarries, to be returned to a condition suitable for an acceptable after use and compatible with adjacent land uses.

  h) establish, in conjunction with the Ministry of Transportation and Communications, procedures for approval, operation and rehabilitation of wayside pits and quarries used to supply aggregate for projects of that Ministry.

  i) encourage aggregate producers to embody the spirit of wise mineral aggregate resource management.

  j) consult with ministries, public agencies, boards, authorities, and municipalities on matters pertaining to mineral aggregate resources, as may be appropriate.

- The Ministry of Municipal Affairs and the Ministry of Natural Resources will jointly administer this policy statement; as well as advise and explain its content and application to municipalities and other planning agencies.

- Other Ministries have responsibilities relating to pits and quarries and they will provide input to the planning process as appropriate.

- Existing approved official plans and zoning by-laws shall be considered with regard for this policy statement at such time as they come up for review.

For further information contact any of the following offices:

MINISTRY OF MUNICIPAL AFFAIRS:

Community Planning Advisory Branch

Central Region
47 Sheppard Avenue East
2nd Floor
Willowdale, Ontario
M2N 2Z8
Telephone: (416) 224-7635
ZENITH 52650

South East Region
244 Rideau Street
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Telephone: (613) 566-3801
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South West Region
495 Richmond Street
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TOLL FREE 1-800-265-4736

North East Region
1191 Lansing Avenue
Sudbury, Ontario
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TOLL FREE 1-800-461-1193

North West Region
435 James Street South
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Plans Administration Branch - North and East

777 Bay Street
14th Floor
Toronto, Ontario
M5G 2E5
416-585-6014

Plans Administration Branch - Central and Southwest

777 Bay Street
14th Floor
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416-585-6014

Office of Local Planning Policy

777 Bay Street
13th Floor
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M5G 2E5
416-585-6225

MINISTRY OF NATURAL RESOURCES:

Aggregate Resources Section Land Management Branch

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99 Wellesley Street W.
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416-965-3127

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140-4th Avenue
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Northwestern Region
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